

*These notes refer to the Serious Organised Crime and Police Act 2005 (c.15) which received Royal Assent on 7th April 2005*

# **SERIOUS ORGANISED CRIME AND POLICE ACT 2005**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### *Schedule 1: The Serious Organised Crime Agency*

#### *Paragraph 10: Termination or suspension of appointment of Director General*

73. This paragraph sets out the procedure for terminating or suspending the appointment of the Director General. The Secretary of State may require the Director General to retire or resign in the interests of efficiency or effectiveness, or by reason of any misconduct (*paragraph 10(1)*).
74. Before exercising the power to call upon the Director General to retire or resign the Secretary of State must give the Director General his reasons for removal in writing (and send a copy to the chairman), afford him the opportunity to make representations in person, and consider representations made by or on behalf of the Director General (*paragraph 10(3) to (5)*). The Secretary of State must also consult the chairman of SOCA and Scottish Ministers (*paragraph 10(6)*); in practice the Home Secretary would also consult the Secretary of State for Northern Ireland. Under *paragraph 10(8)* the Home Secretary may suspend the Director General from duty if he considers it necessary to do so to maintain public confidence in SOCA. Again there is a requirement for prior consultation with the chairman of SOCA and Scottish Ministers. The Director General's terms and conditions of appointment may provide for other grounds for suspension or termination of his appointment (*paragraph 10(9)*). Such terms might, for example, provide for the termination of the appointment if the Director General was declared bankrupt.